

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

**DAVID MONTALVO, on Behalf of Himself, )  
and All Others Similarly Situated, )**

**Plaintiffs, )**

**vs. )**

**Case No. 4:03CV995SNL**

**TRIPOS, INC., JOHN P. MCALISTER, )  
B. JAMES RUBIN, and )  
ERNST & YOUNG, L.L.P., )**

**Defendants. )**

**ORDER**

In accordance with the memorandum filed herein this date,

**IT IS HEREBY ORDERED** that defendants Tripos, McAlister, and Rubin's motion to dismiss (#56) be and is **DENIED**.

Dated this 30th day of September, 2005.

  
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SENIOR UNITED STATES DISTRICT JUDGE